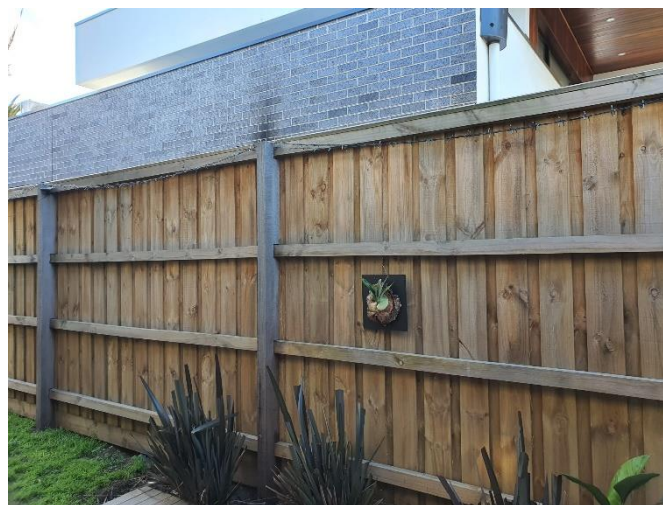


# Planning Application – Fact Sheet 15

## Boundary Fences

*Disclaimer: The information contained in this fact sheet is general advice and may not be relevant to your individual circumstance. You should seek your own legal and/or town planning advice prior to erecting any fencing.*



### Introduction

Disputes surrounding boundary or dividing fences can be a significant cause of distress for property owners. Under the *Fences Act 1968* (the Act), property owners and their neighbours have equal responsibility for dividing fences.

A dividing fence separates two pieces of adjoining land. It generally runs along the common boundary but sometimes not; for example, if there's something in the way and you both agree to build around it. A dividing fence is not a retaining wall or any wall that is part of a house, garage or other building. However, sometimes these can qualify as a fence for all or part of your boundary.

A boundary or dividing fence does not include fencing along the front property boundary, which are generally regulated under the *Planning and Environment Act 1987* or the *Building Act 1993*.

### What should I do if I want to build a dividing fence or if I think mine needs repairing?

Start with an informal chat to your neighbour. If you both agree work needs to be done on the type of replacement or repair, its placement, the contractor and who'll pay for it, things will be a whole lot easier.

If your neighbour doesn't agree with your proposal, you can't build or begin repairs on an existing dividing fence until you issue your neighbour a 'Notice to Fence' via registered post. This outlines a proposal to repair or replace a fence with one or more quotes for the work attached.

Once they get it, your neighbour has 30 days to respond. If they agree, you can build as per your proposal. If not, you need to negotiate a solution or go to court to have a magistrate decide for you. If they don't respond to your notice after 30 days, you have the right to proceed. You can then commence an action in the Magistrates' Court to recover their share of the costs.

You can download a Notice to Fence on the Dispute Settlement Centre of Victoria's [webpage](#).

**Maribyrnong City Council - Urban Planning Department**  
Cnr Hyde and Napier Streets, Footscray  
Postal Address: PO Box 58, Footscray VIC 3011  
T: 9688 0200 E: [urbanplanning@maribyrnong.vic.gov.au](mailto:urbanplanning@maribyrnong.vic.gov.au)

## Planning Application – Fact Sheet 15

### Boundary Fences

#### **What if the property is rented or I don't know who the owner is?**

Start by asking the current tenant. If they do not know then you can ask Council for the owner's details by completing a fencing application form available on Council's [website](#).

Information will be provided in accordance with the Privacy Principles as outlined in the *Privacy and Data Protection Act 2014*.

#### **Can Council assist me with a fence dispute?**

Generally no. Boundary fencing is a civil matter between the relevant property owners. Even if the boundary fence is separating your land from a development site that has planning permission, any dispute relating to the boundary fence remains a civil matter.

#### **Who can assist me with a boundary fence dispute?**

The Dispute Settlement Centre of Victoria has been setup to assist with resolving minor disputes, such as those regarding boundary fencing and overhanging trees. You can contact the Dispute Settlement Centre on 1300 372 888 (during business hours) or visit their [website](#) for further information.



Source: Dispute Settlement Centre of Victoria